



# County of San Diego

## DEPARTMENT OF PUBLIC WORKS

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September 13, 2004

Mark McCiardy  
Manager, Airports Division AWP-600  
Federal Aviation Administration  
Western-Pacific Region  
P.O. Box 90027  
Los Angeles, CA 90009-2007

Dear Mr. McCiardy:

### RESPONSE TO COMPLIANCE ADVISORY FOLLOW-UP LETTER

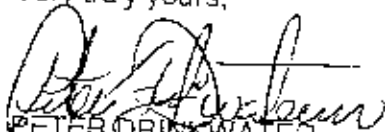
On July 15, 2004, we provided a comprehensive response to your May 17, 2004, compliance advisory follow-up letter. The purpose of this correspondence is to provide you with additional information related to Item 8, which requested:

"The County will provide AWP with the new County Airport Rules and Regulations, Minimum Standards, Rates and Charges and revised Policy and Procedures by July 30, 2004."

On June 30, 2004 County Airports sent the first draft of the Minimum Standards to AWP and received comment on July 10, 2004 from Tony Garcia. Mr. Garcia's comments were incorporated into the draft. Please find the second draft of County Airports Minimum Standards for your review.

If you have any questions or require additional information contact Airports Program Coordinator Sunny Barrett at (619) 956-4834.

Very truly yours,

  
PETER DRINKWATER  
Director of Airports

PD:smjk

Attachment

cc: w/encl.: Larry Watt (0334); Tom Bosworth (A12); Tony Garcia, FAA, AWP-620.1;  
John Milligan, FAA, AWP-621; File (2)

COUNTY OF SAN DIEGO  
AIRPORTS

*MINIMUM STANDARDS*

**Draft**  
FOR FIXED BASE OPERATORS,  
LESSEES AND PERMIT HOLDERS

ESTABLISHED BY  
THE COUNTY OF SAN DIEGO  
DEPARTMENT OF PUBLIC WORKS  
OCTOBER 2004

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## CHAPTER ONE

### GENERAL PROVISIONS

#### SECTION 1.1 PURPOSE OF THE MINIMUM STANDARDS

Minimum standards as outlined in this document are intended to provide the threshold entry requirements for those wishing to provide aeronautical services to the public at the San Diego County Airports, and to do so in such manner as to insure the safety of its users and allow fair competition for those who choose to provide services to the public on the premises. These minimum standards are intended to be reasonable, non-arbitrary and nondiscriminatory, and therefore apply equally to everyone making application to County Airports to provide aeronautical services on the airport.

#### SECTION 1.2 DEFINITIONS

AERONAUTICAL ACTIVITY means any activity commonly conducted at airports which involves, makes possible, is required for, or supports, the operation of aircraft, or which contributes to or is required for the safety of such operations. These activities include, but are not limited to, air taxi and charter operations, pilot training, aircraft renting, sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, air carrier operations, skydiving, glide launch and recovery, ultralight vehicle operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, or sale of aircraft parts and aircraft storage.

AERONAUTICAL SERVICE means any service which involves, makes possible or is required for the operation of aircraft, or which contributes to, or is required for, the safety of aircraft operations commonly conducted on the Airport by a person who has a lease or permit from County Airports to provide such service.

AIRCRAFT means a device that is used, or intended to be used, for flight in the air.

AIR OPERATIONS AREA means that portion of the Airport designated for use by aircraft and includes all runways, taxiways, taxilanes, ramps, and aprons.

AIRPORT means all property, whether used for aeronautical purposes or not, including easements and rights of way, owned or operated by the County.

AIRPORTS DIRECTOR means the Director of the eight County owned and operated airports.

AIRPORT USE PERMIT means a written agreement with County Airports to conduct an aeronautical activity or service or a business enterprise, as defined herein, on the Airport.

ALP means the Airport Layout Plan for any of the Airports that is current and approved by the FAA, but may be revised from time to time.

BUSINESS means a commercial or industrial enterprise, which is located physically on airport property, for the purpose of providing services to the public. Said services do not necessarily constitute an aeronautical activity or service.

BUSINESS FLIGHT DEPARTMENT means an enterprise on airport property providing in-house aeronautical services and facilities not for public use.

COUNTY means the County of San Diego located in the State of California.

COUNTY AIRPORTS means the County, Department of Public Works, Airports Division, or such other County division, department or group that may from time to time be responsible for the operation of all or some portion of the Airport.

COUNTY BOARD OF SUPERVISORS means the governing body of the County.

CREW QUARTERS means those facilities that are designed to temporarily house flight crews for overnights and resting periods in accordance with current FAA policy.

EMERGENCY VEHICLE means police or fire vehicles, ambulances, and any vehicle conveying an authorized airport official or employee in response to an emergency call.

FBO LEASE means any (1) lease agreement between the County and a person leasing property at the Airport, or (2) sub-lease agreement approved by the Airports Director between any tenant at the Airport and a person sub-leasing property at the Airport, in either case, for the purpose of providing aeronautical services to the public at the Airport.

FIXED BASE OPERATOR (FBO) means any person authorized by the County to offer aeronautical activities or services to the public at the Airport as a tenant, sub-tenant or by permit.

FLIGHT CREWS means only those individuals necessary for the operation of an aircraft such as pilot in command, second in command, flight engineer, flight attendants, loadmasters, search & rescue, flight personnel and medical technicians.

JOB-RELATED LIVING QUARTERS means facilities that are designed to temporarily house those individuals who have job-related living quarters assigned as part of their official duties such as an airport manager, public safety personnel or an FBO duty manager.

LESSEE/TENANT means a person who leases or rents something from someone.

MINIMUM STANDARDS means the standards which are established by County Airports, as amended from time to time, stating the minimum requirements to be met by a tenant, sub-tenant, proposed tenant or permittee as a condition for the right to provide any aeronautical activity or services to the public at the Airport.

NORMAL BUSINESS HOURS means 8:00 am to 5:00 pm Monday through Friday.

PERMIT means a permit issued by County Airports authorizing an aeronautical activity or service at the Airport.

PERMIT HOLDER means a person to whom a permit has been issued.

PERSON means any individual, firm, partnership, corporation, company, association, or any other legal entity, and includes any director, trustee, receiver, agent or similar representative thereof.

PILOT means any person who is physically responsible for the control of an aircraft.

SHALL means that the word "shall" is always mandatory and not merely permissive.

TAXIWAYS means:

PUBLIC TAXIWAYS are those taxiways so designated by County Airports, connecting to a runway and thereby are serving all aircraft based on, or using the Airport, and are essential to the use and operation of the Airport.

JOINT TAXIWAYS are those taxiways serving hangars and connecting to a public taxiway, and thereby are not entirely essential to the use and operation of the Airport.

PRIVATE TAXIWAYS are those taxiways serving only one hangar and connecting to a joint taxiway, or to a public taxiway and thereby are not essential to the use and operation of the Airport.

VEHICLE means any device in which any person or property may be transported on the ground.

## SECTION 1.3 ABBREVIATIONS

Automated Flight Service Station.....	AFSS
Above Ground Level.....	AGL
Airport Operation Area.....	AOA
Air Traffic Control Tower.....	ATCT
Airport Traffic Pattern.....	ATP
California Department of Transportation Aeronautics .....	CALTRANS
Common Traffic Advisory Frequency.....	CTAF
Federal Aviation Administration.....	FAA
Federal Aviation Regulations.....	FAR
Instrument Flight Regulations.....	IFR
Fixed Based Operator.....	FBO
Instrument Landing System.....	ILS
Notice to Airmen.....	NOTAM
National Fire Protection Association.....	NFPA
National Transportation Safety Board.....	NTSB
Occupation Safety & Health Administration.....	OSHA
Storm Water Pollution & Prevention Plan .....	SWPPP

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## CHAPTER TWO

### BUSINESS ACTIVITIES

#### SECTION 2.1 AIRPORT POLICY

The Minimum Standards are intended to be the threshold entry requirements for those wishing to provide aeronautical activities or services by lease or permit to the public and to insure that those who have undertaken to provide commodities and services as approved are not exposed to unfair, irresponsible or unsafe competition. These Minimum Standards were developed taking into consideration the aviation role of the Airport, existing facilities, existing services, future development planned for, and promotion of fair competition at San Diego County Airports. The uniform application of these Minimum Standards, containing the minimum levels of service that must be offered by the prospective service provider, relates primarily to the public interest and discourages substandard entrepreneurs, thereby protecting both the established aeronautical activity and the airport patrons.

All activities, businesses, users, permit holders, lessees, and visitors must comply with the Minimum Standards, Policy and Procedures and any Rules & Regulations that are established and may be updated from time to time by County Airports in accordance with any applicable FAA rules, regulations, contractual obligations, policy or guidance.

#### SECTION 2.2 PERMIT/LEASE

- A. Any person who intends to conduct a business or service, wherein use of the Airport provides a commercial benefit to said person, must negotiate an Airport Use Permit and/or Lease with County Airports relative to qualification, operating areas, and rent and/or fee payments, and such other matters as County Airports may require. The authorization by County Airports to a person wishing to provide aeronautical activities or services to the public does not imply that said business has exclusive rights to provide those activities or services on the Airport. San Diego County Airports, being the recipient of Federal funds via the FAA, is obligated to comply with Federal Aviation Administration Policy Statement on "Exclusive Rights at Airports." A copy of said Policy Statement is on file at the Airport Manager's Office for review, upon reasonable notice and during regular office hours or on the FAA website.
- B. The Federal Aviation Administration considers that the existence of an exclusive right to conduct any aeronautical activity or service limits the usefulness of an airport and deprives the using public the benefits of competitive enterprise.



Apart from the legal considerations, the FAA considers that it is inappropriate to apply Federal funds to the improvement of any airport where full realization of the benefit would be restricted by the exercise of an exclusive right to engage in aeronautical activities or services.

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## SECTION 2.3 QUALIFICATIONS

Demonstration of intent to conduct a business operation at the Airport shall be by application to County Airports. The written application shall contain, at the minimum:

- A. The proposed nature of the business.
- B. The names and addresses of all persons who have a significant ownership interest in the company (more than a three percent interest), who will be responsible for executing any agreements with the County, and those who will be managing the business.
- C. A written authorization for the FAA, any government formed or staffed aviation or aeronautics commissions, and all federal, state or local government bodies in which the applicant, or its officers, directors, or principle shareholders, have engaged in aviation business, to release information in their files relating to the applicant or its operation. The applicant shall execute such forms, releases or discharges as may be required by those agencies.
- D. On request, supply the names, social security numbers and fingerprints of any officers, directors, employees or shareholders of the business for the purpose of conducting an FBI criminal history records check (if deemed necessary by County Airports).
- E. Preliminary plans, specifications and dates for any improvements which the applicant intends to make on the Airport as part of the activity for which approval is sought. Applicant must comply with all applicable ordinances and building codes and must submit an Airports Development and Project Disclosure Form.
- F. Proof (provide copy upon request) of liability insurance coverage for the business operation, flight operations, itinerant aircraft, operators and premises insurance and such other insurance as may be required by County Airports from time to time.
- G. All insurance required by County Airports for any operation, lease, or other activity on the airport property, shall at a minimum include the County and County Airports as an additional insured. The scope and amount of insurance required shall be subject to the approval of the County's Risk Manager.
- H. A current credit report for each party owning or having a significant financial interest (greater than three percent) in the aeronautical activity and a credit report on the aeronautical activity itself, covering all geographical areas in which

it has done business in the ten-year period immediately prior to such application or such lesser period of time if the prior business has been in operation less than 10 years.

- I. Such other information as County Airports may require.

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## SECTION 2.4 ACTION ON APPLICATION

All applications for a lease or permit to provide aeronautical activities or services at a County Airport will be reviewed and acted upon by County Airports within 60 days from receipt of the application. If a permit or lease is not granted or denied within 60 from Airports receipt, lease or permit is considered to be denied. Applications may be denied for reasons including but not limited to:

- A. The applicant does not meet qualifications, standards and requirements established by these Minimum Standards
- B. The applicant's proposed operations or construction will create a safety hazard on the Airport.
- C. The offered aeronautical service(s) will create an excess supply that could adversely affect the Airport economy (provided there is already more than one provider of that particular service)
- D. Granting the application will require the expenditure of local funds, labor or materials on the facilities described in, or related to, the application, or the operation will result in a financial loss to the Airport.
- E. There is no adequate available space or building on the Airport to accommodate the entire activity of the applicant.
- F. The proposed airport development or construction is not consistent with the approved Airport Layout Plan.
- G. The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in significant interference with the operations of any present fixed-base operator (FBO) on the Airport. Such problems may include, but are not limited to, problems in connection with aircraft traffic or service, preventing free access to and from the existing fixed-base operator (FBO) area, or will result in depriving, without the proper economic study, an existing fixed-base operator (FBO) of the use of significant portions of its leased area in which it is operating.
- H. Any party applying, or having an interest in the business, has supplied false information, or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.

- I. Any party applying, or having an interest in the business, or its management, has a record of violating any County ordinances, rules, regulations or other restrictions pertaining to the use of Airport property, Civil Air Regulations, Federal Aviation Regulations, or any other ordinances, rules, regulations or restrictions applicable to this or any other airport.
- J. Any party applying, or having an interest in the business, has defaulted in the performance of any lease or other agreement with County Airports or any lease or other agreement at any other airport.
- K. Any party applying, or having an interest in the business, is not sufficiently credit worthy and responsible, in the sole judgment of County Airports, to provide and maintain the business to which the application relates and to promptly pay amounts due under the FBO lease.
- L. The applicant has committed any crime, engaged in conduct, or violated a Federal, State or Local government ordinance, rule or regulation, which County Airports has determined, in its sole discretion, adversely reflects on the applicant's ability to conduct the FBO operation for which the application is made.
- M. Any other reason not listed above that the County and its Counsel deem as reasonable and prudent for safe and secure airport operation.

## **SECTION 2.5      FIXED BASE OPERATORS (FBO)**

A fixed base operator is a person who has entered into a valid lease agreement with County Airports establishing airport space lease terms, rental amounts, insurance requirements or other terms and conditions required by County Airports, and has met the qualifications, standards and requirements contained herein for the aeronautical activities or services to be provided to the public. The FBO may be in business to provide two or more of the following activities or services to the public at the Airport:

1. Aircraft sales.
2. Air Taxi/Charter operations, which include, but are not limited to, passenger, freight or delivery services.
3. Aircraft rental.
4. Flight instruction and ground schools.
5. Aircraft Fueling and Line Services
6. Aircraft maintenance, service, parts and accessories sales which shall include services in one or more of the following:
  - a. Airframe overhaul and repair or installation.

- b. Aircraft engine overhaul and repair or installation.
- c. Aircraft radio and electrical repair or installation.
- d. Aircraft instrument shop.
- e. Aircraft interior work.
- f. Aircraft refinishing and painting.
- g. The storage of aircraft, inside and/or outside of building structures.
- h. Manufacture and/or assemble parts and accessories that are directly or indirectly related to aircraft, or conduct Research, Development, Testing and Evaluation (RDT&E) of aircraft and related systems.
- i. Sale of aircraft parts, pilot supplies, aviation accessories & aviation gifts.

The application for an FBO lease shall specify all services from the above list that the applicant desires to offer at the Airport. The applicant may also propose services other than on the above list with appropriate justification for consideration by County Airports. An FBO may provide or conduct only those services for which it has executed a lease agreement. The applicant may not add or remove services offered and agreed to without prior written consent of the Director.

## SECTION 2.6

### MINIMUM QUALIFICATIONS

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A fixed-base operator shall, in addition to meeting all other requirements and qualifications of his written agreement (lease or permit), meet the below stated minimum qualifications for each type of service which he intends to provide:

#### A. Aircraft Sales

1. The FBO who engages in an aircraft sales business at the Airport shall lease from County, or provide under terms agreeable to the Airports Director, an area of airport land sufficient in size to provide the office space hereinafter required and the space needed for the storage and/or display of a minimum of two (2) aircraft or as many more as such operator reasonably expects to have on hand in such business at any one time.
2. Have available a minimum of one fully qualified demonstrator pilot with appropriate and current FAA pilot certificate and current Airman Medical Certificate.
3. The FBO shall provide personnel on duty during normal business hours, as designated by County Airports, or at other times, subject to the operator's discretion with the prior written approval of the Airport Director.

4. Have satisfactory arrangements at the Airport or at another airport for repair and servicing of aircraft sold with service guarantee.

B. Air Taxi/Charter Operations

1. The FBO who engages in a charter operation at the Airport shall lease from County, or provide under terms agreeable to County Airports, an area of airport land sufficient in size to provide the office space hereinafter required, an additional 100 square feet for a passenger waiting area, and if air cargo service is provided an additional 200 square feet of storage space is required. The FBO shall also lease sufficient apron area to stage flights and provide for the storage, parking or tie-down of as many aircraft as such operator reasonably expects to have on hand in such FAR Part 135 business at any one time.
2. The operator shall have available for use at least one (1) aircraft, (based at the Airport), that is certified for IFR flight and is dedicated for use in charter operations.
3. At a minimum, the operator shall provide personnel on duty during normal business hours including a person properly rated to act as pilot, as designated by County Airports.

C. Aircraft Rental

1. The FBO who engages in an aircraft rental business at the Airport shall lease from County, or provide under terms agreeable to County Airports, an area of airport land sufficient in size to provide the office space hereinafter required with provisions for a flight planning area and the space needed for storage, parking or tie-down of a minimum of two (2) aircraft or as many more as such operator reasonably expects to have on hand in such business at any one time.
2. Provide, and at all times maintain, a minimum of two aircraft, owned or leased by and under exclusive control of the operator, which are properly equipped and FAA certified for rental and flight instruction.
3. At least one of the above aircraft must be equipped and FAA certified for IFR flight.
4. The operator shall provide a properly FAA certified flight instructor capable of conducting flight checks for prospective renters during normal business hours as designated by County Airports, or at other times, subject to the operator's discretion, with the prior written approval of the Airports Director.

5. Have adequate facilities or arrangements for storing, parking, servicing and repairing all of its aircraft.

D. Flight Instruction and/or Ground School

1. The FBO who engages in a flight instruction and/or ground school business at the Airport shall lease from County Airports, or provide under terms agreeable to County Airports, an area of airport land sufficient in size to provide the office space hereinafter required; an adequate planning room of at least 80 square feet; and an area sufficient in size to store, park or tie down two (2) aircraft, or as many additional aircraft as such operator reasonably expects to have on hand in such business at any one time. If a ground school is part of such business a classroom of at least 200 square feet in size, exclusive of inside partitions is required.
2. The operator shall provide FAA certified flight instructors during normal business hours, as designated by County Airports.
3. The FBO shall provide, and at all times maintain, a minimum of two aircraft, one of which must be certified for instrument flight. These aircraft must be owned or leased by and under exclusive control of the operator, properly equipped, and FAA certified, for flight instruction and rental. If a ground-school rating is offered as part of such business, the FBO shall have on hand and available for use such equipment and supplies as would reasonably be expected to be available for such training.
4. The FBO shall demonstrate the continuing ability to meet requirements for certification of flight instructor personnel and aircraft by the FAA.
5. The FBO shall have adequate facilities or arrangements for storage, parking, tying down, servicing and repairing all of its aircraft.

E. Aircraft Maintenance Services and Sale of Parts and Accessories

1. The FBO who engages in a maintenance service business and sells parts and accessories at the Airport shall lease from County, or provide under terms agreeable to County Airports, an area of airport land sufficient in size to provide the office space hereinafter required and a hangar having a minimum of 1,500 square feet and, in addition, an area of ramp to tie down a minimum of three (3) aircraft. T-Hangars shall not satisfy the requirements of this paragraph.



San Diego County Airports  
Minimum Standards  
Chapter 2

2. The hangar required herein shall be equipped with such tools, machinery, equipment, parts and supplies as are normally necessary to conduct a full-time business operation in the maintenance service area being offered and shall be staffed by mechanic/mechanics and other full or part time personnel who are qualified and competent and who hold all necessary certificates required by the FAA.
3. The business of such maintenance, service and sale of parts and accessories shall be staffed with competent personnel on duty to conduct business during normal business hours as designated by County Airports, or at other times, subject to the operator's discretion with the prior written approval of the Airports Director.
4. If the business includes aircraft refinishing and painting it shall:
  - a) Comply with and abide by all standards, rules, regulations and requirements of any local, regional, state, or federal governmental agencies having jurisdiction over aircraft painting and stripping operations.
  - b) Comply with the current standards of the Air Pollution Control District and National Fire Protection Association on Paint Spraying and Spray Booths with regard to the arrangement, construction, and protection of spray booths and the storing and handling of materials used in connection with aircraft agents, or other contaminants from flowing into storm drains, rivers, lakes, streams, etc., or being placed in any sewer system, unless pretreated and the pre-treating process has been approved in advance and in writing by the Airports Director.
  - c) Perform all aircraft painting and stripping operations inside a hangar or building. Outside painting or stripping must be approved in advance and in writing by the Airports Director.
  - d) Properly treat and dispose of all hazardous material in compliance with the governing agencies listed in Paragraph E.4.a. above and in accordance with the airport Storm Water Pollution & Prevention Plan and/or any other rules, regulations or ordinances restricting the discharge of pollutants into the air, water or ground at the Airport

F. Aircraft Fueling and Line Services

1. In order for any person to engage in the business of providing aircraft fuel sales and line services at the Airport, the person shall lease from County, or

provide under terms agreeable to County Airports, an area of airport land sufficient in size to provide the office space hereinafter required, and an additional 150 square feet of inside floor space for the pilot lounge and flight planning area. The operator shall also lease the space needed to accommodate the aircraft fueling and line servicing equipment, supply storage for the aircraft being serviced and provide for the flow of traffic in and out of the aircraft fuel servicing areas.

2. In addition, an operator under this provision, shall provide and maintain a fuel storage (see San Diego County Airports fuel storage requirements) and all necessary pumps, tanks, and mobile gas trucks, fueling areas, ramps and other fueling facilities that may be necessary, provided that the operator shall not place or maintain any fueling facilities on the Airport, mobile or fixed, which have not previously been approved in writing by the Airports Director and the appropriate fire authorities as designated by the Airports Director. The operator shall not deliver fuel into any aircraft unless the fuel has first been placed in a suitable and approved filtration tank. There shall be no direct fueling from a common carrier transport truck into mobile refueler without filtration. In all fueling operations the FBO will comply with State and Local Fire Code and the current edition of NFPA 407 including all NFPA Standards referenced in NFPA 407. The Airport Manager may have available a copy of NFPA 407 or be able to direct any inquiries to an appropriate source for that information.
3. An operator under this provision shall keep a current, complete and accurate record of all fuel, oil and other products sold and shall, at the request of the Airports Director, make available all records of such sales for at least two years after the sale of such products. Failure of an operator to keep an accurate record of all sales shall be reason to revoke the operator's license and/or authority to do business on the Airport.
4. Each operator offering aircraft fuel sales and line services shall maintain sufficient full-time attendants on duty to service aircraft without unreasonable delay during their hours of operation.
5. The operator with fueling facilities shall at all times maintain an adequate supply of fuels, oils, and other appropriate fluids and supplies to provide a continuous, uninterrupted and undiminished level of service.
6. The operator shall maintain at all times, on each and every mobile gas truck and for each bulk loading/unloading and fuel storage facility, spill kit(s) capable of containing and cleaning up all fuel/oil spills that could arise as a

result of its operation.

7. Mobile gas trucks shall have markings and or signage that clearly identifies itself as to fuel grade, brand (if applicable), fuel provider/permit holder, telephone number and radio frequency. Markings (individual letters) shall be no less than 3" in height.
8. Services provided in addition to fuel will include emergency starting, parking, tire inflation, adding oil and any service not requiring a certified mechanic rating. All equipment necessary to provide these services shall be maintained in working order and made readily available to the public.

G. Aircraft Storage, Inside hangar

1. The FBO who engages in the business of storing airplanes inside at the Airport shall lease from the County an area of airport land sufficient in size for the construction of a storage building or buildings with proper access ramps and other accessories designed to accommodate at least six (6) aircraft and shall construct the building(s), ramps and accessories in locations stipulated in the approved Airport Layout Plan at the operator's sole cost and expense, according to plans and specifications previously submitted and approved in writing by the Airports Director, and according to all applicable laws and regulations.
2. The operator shall post in conspicuous place(s) on the building(s), in a location and manner acceptable to the Airports Director, the address of the site, hangar number and name, address and telephone number of the person who is in charge of such business.

H. Specialized Commercial Aeronautical Services

1. A specialized commercial aeronautical service provider is a person engaged in air transportation for hire for the purpose of providing the use of aircraft for the aeronautical activities listed below:
  - a. Non-stop sightseeing flights.
  - b. Aerial photography or survey.
  - c. Fire watch and fire fighting.
  - d. Power line, underground cable or pipe line patrol.

- e. Aerial application of agricultural chemicals.
  - f. Banner Tow.
  - g. Glider launch and recovery.
  - h. Other operations specifically excluded from Part 135 of Federal Aviation Regulations.
2. Other specialized commercial aeronautical services which have varied requirements are:
- a. Avionics sales and/or service.
  - b. Aircraft manufacturing.
  - c. Aircraft engine or sub-assembly overhaul (station).
  - d. Aircraft upholstery shop.
  - e. Sale of pilot supplies, aircraft accessories and gifts.

**Note:**

These activities are so varied that their requirements on the Airport will depend upon the scope of their operation. In some cases, the only airport requirement need is access or a tie-down space if all other activities of the business are normally conducted off the Airport. The minimum standards and insurance coverage will be determined based upon a detailed application submitted by the person requesting permission to perform the aeronautical activity or service on the Airport.

**SECTION 2.7      SPECIFIC REQUIREMENTS**

- A. Commencement of Activities: Each FBO shall, upon authorization, and as the construction of any required physical facilities permits, immediately commence and conduct on a full time basis all business activities and services which are authorized.
- B. Office Space
  - 1. Except in cases of businesses solely offering inside storage space, each FBO shall provide and maintain an office that shall be staffed and open to the public during the normal business hours or as otherwise required. If more than one

aeronautical activity or service is being provided, the normal business hours may be combined to suit all activities with the written approval of the Airports Director. The office shall be at the operator's place of business on the Airport, and will contain a waiting room with appropriate furnishings, and restroom facilities for men and women or with access to nearby restrooms. The office area shall contain at least 200 square feet of inside floor space, exclusive of inside partitions. Only one office shall be required of each FBO. If more than one aeronautical service is being provided the office space for each activity may be adjusted to suit all activities with Airports Director approval.

2. Facilities shall be kept in a neat, clean and orderly condition and properly painted.
3. No FBO or his/her employees, agents, officers or other persons connected with the business shall use the office area or other facilities of any other FBO without the written consent of both FBO and County Airports.

C. Crew Quarters/Job-Related Living Quarters: There can be no use of lease premises for the purpose of crew quarters or job-related living quarters without prior approval from the Airports Director. No such quarters will be allowed if the FAA determines they might compromise the safety, security or effective operation of the Airport.

D. Auto Parking: The FBO shall provide auto parking for his employees and customers on his leased area or make adequate arrangements for such parking according to lease requirements and acceptable to the Airports Director.

E. NTSB/FAA/ Requirements: The FBO and all personnel and employees shall be competent and shall hold all current and valid certificates, permits, licenses or other authorizations required by the FAA, including but not limited to any FAA air taxi permits. If, as a result of any action, order or ruling of the FAA, any of the FBO's aircraft are grounded or commercial pilot certificates or instructor's certificates are suspended or revoked, and this reduces the FBO operation to less than the minimum standard for the activity being provided for a period of ninety (90) days or more, the FBO's lease/permit and authority to operate at the Airport may be revoked.

F. Indemnity and Insurance

1. The FBO shall agree, and by his operation at the Airport does agree, to indemnify, defend, and save the County, County Board of Supervisors and County Airports, their authorized agents, officers, representatives and

employees, and hold them harmless from and against any and all actions, penalties, liabilities, claims, demands, damages, or losses of any kind, resulting from claims or court action, whether civil, criminal or in equity, and arising directly or indirectly out of acts or omissions of the FBO, his agents, employees, servants, guests, business visitors, invitees or customers.

2. In addition to the foregoing indemnity agreement provisions, the FBO agrees to secure, maintain and keep in force during the term of the agreement the insurance policies, forms and conditions required by County Airports and any applicable County Rules & Regulations pertaining to the Airport. The scope, amount and terms of the required insurance shall be subject to the review and approval of the County's Risk Manager and may be required to be adjusted from time to time to mitigate the County's liability exposure from the FBO's operations.
3. Nondiscriminatory Service: The FBO shall furnish to all Airport users all authorized or licensed services on a fair, equal, and not unjustly discriminatory basis. The FBO shall charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that the FBO may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law and any applicable County Rules & Regulations.

G. Approval of Construction

1. No buildings, structures, tie downs, ramps, paving, taxi areas, or any other improvements or additions shall be placed or constructed on the Airport, or altered or removed without prior written approval of the Airports Director. In the event of any construction, alteration or removal, an appropriate bond to guarantee the completion of the work may be required in accordance with submitted plans and specifications and all applicable Federal, State and local standards.
2. Unless otherwise agreed to within its demised area, any aeronautical activity or service provider shall at its own expense, provide, construct, install, equip and maintain all utilities, buildings, structures, ramps, tie-down areas, taxiway, fences and all other facilities and improvements which have been approved by County Airports as being necessary for the operation.
3. Final plans and specifications for all construction shall be submitted within 90 days after approval of the application, and construction shall commence and be completed pursuant to a progress schedule coordinated and approved by the

Airports Director. All construction shall comply with all applicable building codes and State and local ordinances.

4. Construction shall be completed in accordance with the applicable County Rules and Regulations, lease document, approved plans and the current approved Airport Layout Plan (ALP) effective at the time the work commences.

H. Other Standards

1. Facilities and parking areas shall comply with ADA standards and any other federal, state and local regulations as set forth by those entities.

## **SECTION 2.8 WAIVER OF MINIMUM STANDARDS PROVISIONS**

Upon the written recommendation of the Airports Director, County Airports may, at its discretion, waive all or any portion of the Minimum Standards set forth herein for the benefit of any government or governmental agency performing non-profit public services to the aviation industry or performing fire prevention or firefighting or rescue service operations. County Airports may further temporarily waive any of the minimum standards for non-governmental applicants when it deems such waiver to be in the best interest of the Airport and/or its operation.

Note: Waiver to one particular party does not constitute or indicate an obligation of approval to another party or entity even if service in question is deemed necessary or desirable.

## CHAPTER THREE

### MISCELLANEOUS

#### SECTION 3.1 INSPECTION AND MAINTENANCE

- A. To the extent necessary to protect its rights and interests or to investigate compliance with the terms of the lease and any applicable Airport Rules & Regulations, County Airports, its Airports Director or their designee, their Attorney, and appropriate Police Officers, Sheriffs Deputy's and/or Fire Department representatives shall have the right to inspect, at all times, all Airport premises together with all structures or improvements located thereon, and as provided by law and/or Federal Regulations all aircraft, equipment, all licenses and registrations and determine the identity of all owners, operators, managers or employees of any aeronautical activity or service provider.
- B. Each FBO shall be responsible for keeping their leased area(s) and areas in which it is authorized to operate free and clear of all weeds, rocks, debris and other material which is unsightly or could cause damage to aircraft, buildings, persons or automobiles.
- C. All repair(s) of pavement on lease premises must have prior written approval from the Airports Director. Such work shall be done in accordance with, the current version of the Standard Specifications For Public Works Construction "Greenbook", or as agreed to by the Airports Director.
- D. No Person shall throw, dump or deposit any waste, refuse or garbage on the Airport property. All waste, refuse or garbage shall be placed and kept in closed garbage cans or containers and all operating areas shall be kept in a safe, neat, clean and orderly manner at all times and in such a manner as to minimize any hazards.

#### SECTION 3.2 SUBLEASING/SALE OF LEASE

No right, privilege, permit or license to do business on the Airport, or any lease of any area of the Airport, or personal property located thereon, shall be assigned, sublet, sold, or otherwise transferred or conveyed in whole or in part without prior written consent of County Airports based upon recommendation of the Airports Director. Any unauthorized



attempt to do so shall result in the immediate cancellation and/or revocation of said right, privilege, lease, permit or license.

### **SECTION 3.3                      ASSIGNED AREAS**

No Person or persons authorized to operate as an FBO on, or conduct business activities as a permit holder at the Airport shall conduct any of their business activities or park any aircraft on any areas except those specified in the lease or permit. An aeronautical activity or service provider shall not use any common areas except as authorized by the applicable County Rules & Regulations or as approved in writing in advance by the Airports Director.

### **SECTION 3.4                      SIGN REQUIREMENTS**

No signs shall be placed on Airport property or buildings thereon, without prior written permission from County Airports. A sketch of the proposed sign shall be submitted to the Airports Director prior to the requested approval. Signs may be painted, lettered, or electrical. No electrical sign shall be animated in any way, or installed so as to interfere, in any way, with pilots or the control tower personnel. All signs shall be affixed to the lessee's structure. Exceptions may be made for signs attached to a terminal building, control tower or County Administration building. Signs for lessees will be considered on a case-by-case basis. Outdoor portable signs shall not be permitted. Private structures housing aircraft may advertise only the lessee's business being conducted within said structure. All signage must comply with any applicable Federal, State and local laws, regulations or rules and be approved in writing by the Airports Director. The approval of the Airports Director shall not be taken as evidence of compliance with any applicable laws, regulations or rules. No advertising sign shall be attached to an Air Traffic Control Tower.

### **SECTION 3.5                      SECURITY**

Lessee shall be responsible for, and shall provide for, the security of the premises. Lessee shall provide lighting adequate, in the judgment of the Airports Director, to prevent unobserved entry onto the premises during the hours of darkness. Lessee shall construct and maintain fences, gates, walls, barriers and/or other security systems or devices on the premises in a manner designed, in the Airports Director's judgment, to prevent unauthorized access from the premises to the runways, taxiways, ramps, control towers,

navigation aids and equipment, administrative or operations centers, hangar areas and other facilities within the secure (fenced) portion of the Airport.

#### **SECTION 3.5                      FAA REQUIRED LEASE PROVISIONS**

Each lease at the Airport shall contain provisions regarding subordination, emergency leasing to the United States, non-discrimination, and such other provisions as may be required by the FAA pursuant to law or contract. See Appendix C.

#### **SECTION 3.6                      SEVERABILITY**

In the event that any provision of these Minimum Standards shall for any reason be determined to be invalid, illegal or unenforceable in any respect, the other provisions of these Minimum Standards shall remain in full force and effect.

#### **SECTION 3.7                      REVISIONS**

These Minimum Standards shall be reviewed from time to time by the Airports Director and revised as conditions warrant. The revised Minimum Standards shall be binding on any current or prospective providers of aeronautical activities or services from the date the new standards are adopted. Aeronautical activity or service providers that commence operations prior to the effective date of revised standards may continue to operate under the preexisting standards if, in the reasonable opinion of the Airports Director, existing contractual or legal obligations make it is infeasible to modify the operations to meet current standards.

#### **SECTION 3.8                      EFFECTIVE DATE**

These Minimum Standards shall be effective thirty (30) days following the date of their approval by the Airports Director, unless earlier consented to by an aeronautical activity or service provider.

APPENDIX A  
REFERENCES

1. Federal Aviation Agency Policy Statement, "Exclusive Rights at Airports", as published in the Federal Register (30 F@13661) October 27, 1965.
2. Federal Aviation Administration Order 5190.6A, "Airport Compliance Requirements" dated October 2, 1989.
3. Federal Aviation Administration Advisory Circular AC 150/5190-2A, "Exclusive Rights at Airports" dated 4/4/72.
4. Federal Aviation Administration Advisory Circular AC 150/5190-1A, "Minimum Standards for Commercial Aeronautical Activities on Public Airports" dated 12/16/85.
5. NFPA 101 Life Safety Code 1988, Chapter 29, "Storage Occupancies", Section 29-6, Special Provisions for Aircraft Hangars.
6. NFPA 407 Aircraft Fuel Servicing, 1990 Edition, and all NFPA Standards referenced in 407.

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**APPENDIX B**  
**FAA Required Lease Provisions**

**Draft**

APPENDIX C  
County Airport Development Standards

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San Diego County Airports  
Minimum Standards  
Appendix C

County Airports Minimum Standards is hereby established and adopted by the County of San Diego, Department of Public Works this day, the 1<sup>st</sup> of October 2004.

\_\_\_\_\_  
JOHN L. SNYDER

Director, Department of Public Works

\_\_\_\_\_  
Date

\_\_\_\_\_  
PETER DRINKWATER

Director, County Airports

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Date

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